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## NEWS AND NOTES

### PERSONAL AND BIBLIOGRAPHICAL

EDITED BY CHARLES G. FENWICK

*Bryn Mawr College*

The REVIEW will be pleased to purchase at one dollar apiece, copies of the following of its issues: vol. III, nos. 1, 2, 3, 4; and vol. VI, nos. 1 and 2.

Prof. Charles A. Beard, of Columbia University, will deliver the Clark Memorial lectures at Amherst College this year. His general subject will be "Economics and Politics."

Prof. Walter Sheldon Tower, of the University of Chicago, gave a series of lectures on Latin America at the University of Wisconsin in December.

President C. R. Van Hise, of the University of Wisconsin, has been appointed by President Wilson a member of the commission to investigate the slides at the Panama Canal.

A short course for business men is planned for the coming spring by the Extension Division of the University of Wisconsin. The object is to bring together business men from all parts of the State for the discussion of problems of credit, marketing, salesmanship and business law.

Prof. Nicholas M. Goldenweiser, of the University of Moscow, delivered a series of lectures on Russia at the University of Wisconsin during the first semester.

Prof. Archibald C. Coolidge, of Harvard University, will give the Barbour-Page lectures at the University of Virginia in February upon questions bearing upon recent European history. The lectures on "The Presidency" by ex-President Taft, who lectured upon this foundation last year, will soon be published by Scribners.

H. A. Toulmin, Jr., author of the volume on *The City Manager* in the National Municipal League Series, will lecture on that subject at the University of Virginia in February.

Courses in commercial law and international law are being given for the first time at the University of Virginia by F. J. Hyde, instructor in the Law School and Lindsay Rogers of the School of Political Science, respectively.

Prof. David P. Barrows, of the University of California, is taking sabbatical leave and plans to spend the time in Europe. His course on the Far East will be given by Prof. Payson J. Treat of Stanford University, who will also conduct a seminar on Foreign Relations.

Mr. John A. Lapp, director of the Indiana Bureau of Legislative Information and non-resident lecturer at Indiana University, gave a course of lectures at that university on "Practical Law-making" during the first semester. During the second semester Mr. Lapp will give a course of lectures on "University Training for Public Service."

The new Harris Hall of Political Science, which is to house the departments of History, Political Science and Economics at Northwestern University was dedicated on December 1, 2 and 3. Papers were read by Prof. A. C. McLaughlin on "History as a Public Utility," by Prof. Richard T. Ely on "The Development of Economics in its Relation to the Problems of Government," by Dr. F. A. Cleveland on "Responsible Leadership: an Essential to Efficient Democracy," by Prof. W. W. Willoughby on "Scientific Method in the Study of Politics," by President Edmund J. James on "The Relation of the Study of Political Science to Government and Citizenship," and by Prof. G. S. Ford on "Historiography in Historical Training."

Prof. N. Dwight Harris, of Northwestern University, has been given leave of absence during the second semester and expects to spend the time in a trip to Japan, China and Korea.

Dr. Edwin M. Borchard, law librarian of the library of Congress, returned early in December from a six months' trip in South America. During the trip he gathered for the library of Congress, principally as gifts from the governments of South America, several thousand valuable

official documents, consisting of more or less complete sets of the official gazettes, statutes, and executive decrees, court reports, annual reports of the various ministries, collections of treaties, and other miscellaneous documents. He also purchased the best legal literature of the South American countries and made the preliminary studies in each country in preparation for the publication of a "Guide to the law and legal literature of Latin-America," which the library hopes to publish in about a year's time. Mr. Borchard also studied in South America on behalf of the Department of Commerce the commercial laws and civil procedure of South America, and the results of his study are soon to be published in a monograph to be issued by the Department of Commerce.

*A Digest of Workmen's Compensation Laws in the United States and Territories*, with annotations and revised to December, 1915, has been compiled and is for sale (\$2) by the Workmen's Compensation Publicity Bureau.

The National Civil Service Reform League held its thirty-fifth annual meeting at Philadelphia, December 2.

The *Law Magazine and Review* announces that "owing to insuperable difficulties in connection with the circulation of the magazine arising from the war, and to the fact that the editor has received an active service appointment, it has been decided to suspend publication for the period of hostilities."

The fourth annual meeting of the Conference on Legal and Social Philosophy was held at Columbia University, November 26 and 27. The following papers were read: Real and Ideal Forces in Civil Law, by M. R. Cohen; Extra Legal Force in Criminal Law, by E. C. Keedy; Law and Force in International Affairs, by S. P. Orth; The Exercise of Force in the Service of Freedom, by Felix Adler; Force and Violence, by John Dewey; The Sovereignty of the State, by Harold Laski; and The Limits of Effective Legal Action, by Roscoe Pound.

Strenges and Walton have published a collection of documents on naval warfare during the present war, under the title *The Protection of Neutral Rights at Sea*. Prof. W. R. Sheperd furnishes a short introduction.

The September, 1915 issue of *Municipal Research*, published by the Bureau of Municipal Research of New York City, is devoted to a discussion of the "Administration of the Indian Office."

P. S. King and Son, of London, have recently published a valuable volume on *English Public Health Administration*, by B. G. Bannington. An introduction is furnished by Graham Wallas. The same publishers announce a volume on *The Rise of Rail-Power in War and Conquest, 1833-1914*, by Edwin A. Pratt.

The annual meeting of the National Civic Federation was held in Washington, D. C., January 17 and 18 and, among other topics, discussed the legal and moral obligations resting upon foreign-born citizens of the United States, and the present and prospective effects of the war upon immigration to the United States. A plan was presented for the organization of a commission to study the question as to how far it is expedient that the government in this country should undertake private industrial enterprises.

The Chamber of Commerce of the United States is making a campaign in favor of a permanent tariff commission based on an almost unanimous opinion in favor of such an institution obtained through a referendum conducted by the Chamber in 1913.

The Madison, Wis., Board of Commerce has issued a *Recreational Survey*, the first of its kind, dealing in detail, and illustrated by maps, showing the needs and the present and possible facilities of the city for play and recreation for children. The investigation, upon the results of which this *Survey* is based, was under the direction of a committee headed by C. W. Hetherington, professor of physical education at the University of Wisconsin.

The National Municipal League, through the generosity of Hon. Morton Denison Hull of Chicago, has established an annual prize of \$250 to be awarded for the best essay on a subject connected with municipal government. The competition is open to post-graduate students who are, or who have been within a year preceding the date of the competition, registered and resident in any college or university of the United States offering distinct and independent instruction in municipal government.

Any suitable subject may be selected by a competitor provided it be submitted to the Secretary of the League and approved by him at least thirty days before the time set for the close of the competition. But no preliminary approval is required in case selection is made from the following list of suggested subjects:

1. The history of municipal government in the United States during either one of the following periods: (a) from the Revolution to the Civil War; (b) from the Civil War to the present time.

2. The charter and the practical workings of government in any American city having a population of 50,000 or over.

3. The legal problems involved in the home-rule charter, with special reference to the experience of those states in which the system has been in operation.

4. The problem of sewage disposal in American cities.

5. Public utilities' commissions, with special reference to the control of municipal public utilities in any State of the Union.

6. Municipal accounting and budget-making, with special reference to the actual results derived from the use of new and uniform methods.

7. Municipal public health agencies.

8. The development, present extent and actual results of municipal ownership and operation of public utilities in American cities.

9. Nomination methods and election machinery in cities, with special reference to ballot reform.

Further particulars may be obtained by addressing Edmond M. Sait, North American Building, Philadelphia, Pa.

The Council of the National Municipal League has selected "Efficient Billboard Regulation" as the topic for the William H. Baldwin Prize for the year 1916. The competition is open to undergraduate students registered in a regular course in any college or university in the United States offering direct instruction in municipal government. Further particulars may be obtained by addressing Mr. Sait.

The committee to whom was assigned the decision upon the merits of the papers contesting for the prizes offered by Messrs. Hart, Schaffner & Marx, of Chicago, for 1915, has agreed upon the following award:

Class A. 1. The first prize of one thousand dollars to Yetta Scheftel, A.B., Northwestern University, 1906, graduate student in the University of Chicago, for a paper entitled "The Taxation of Land Value: A Study of Certain Discriminatory Taxes on Lands." 2. The second

prize of five hundred dollars to Homer B. Vanderblue, A.B., Northwestern University, 1911, Ph.D., Harvard University, 1915, for a paper entitled "Railroad Valuation." 3. Honorable Mention to Edwin G. Nourse, A.B., Cornell University, 1906, Ph.D., University of Chicago, 1915, for a paper entitled "The Chicago Produce Market."

Class B. 1. The first prize of three hundred dollars to Nathan Fine, undergraduate in the University of Chicago, for a paper entitled "The Business Agent of the Building Trades Unions of Chicago." 2. The second prize of two hundred dollars to Robert L. Wolf, undergraduate in Harvard University, for a paper entitled "Some Aspects of the Theory of Value."

The REVIEW is pleased to publish at the suggestion of Mr. J. I. Wyer, Jr., director of the New York State Library, the following memorandum with reference to the Digest and Index of Legislation.

"From 1890 through 1908 the New York State Library issued its 'Comparative summary and index of state legislation.' Manuscript for 1909-10 was destroyed in the fire of 1911, and the pressure of imperative organization and restoration has prevented the publication of any number since 1908, though considerable work has been done upon the index for each of the last five years. This more urgent work continues and it is now clear that the state library will be unable unaided to bring up the heavy arrears of the "Index to legislation" or to continue it.

There exists a long and useful series of subject bibliographies, both printed and typed, from the Library of Congress; the service from the Public Affairs Information Bureau; the service of the Law Reporting Company; many competent annual reviews of legislation in special fields, such as the National Tax Association in the proceedings of its annual conference, the American Labor Legislation review, the Good Roads year-book, the Bankers encyclopedia; legislative reference departments freely interchange bills and laws; there is a larger number (and with greater resources) of State and city legislative bureaus from which first-hand and prompt information about local legislation may be had and which are publishing an increasing number of bibliographic helps in this field."

Mr. Wyer then asks whether the index is still needed, and, if so, whether the library can count upon definite help either with money or work from other legislative reference bureaus, or college departments of political science.

If with money, the aid would have to take the form of an outright subsidy or a subscription to a certain number of copies.

If with work, it would have to be graduate work and to get useful results college credit would probably have to be given for it. Specifically the work would be the indexing and digesting of the session laws of one's own or other assigned states, on a uniform plan and after prescribed models.

Under date of November 4 the Federal Trade Commission issued an inquiry as to the possible coöperation of American business and professional men in the proposed development of foreign trade. This inquiry was followed by a detailed questionnaire covering various aspects of trade relations. The object of the trade commission is to obtain a broad survey of fact and opinion as a basis for subsequent legislation. The data secured through these inquiries are to be supplemented with material furnished by business concerns having wide experience in exporting and with material obtained by the commission's experts, in the United States and abroad, aided by United States consuls and commercial attachés. The chief subject of the questionnaire is whether combinations or coöperative organizations, solely for export business, among American manufacturers or producers by common selling agencies or by other means are or are not in the public interest; if such combinations are considered in the public interest the inquiry is next whether they should be open to all manufacturers in the United States or only to American-owned concerns with the right to exclude any concerns that are controlled by foreign interests, and whether they should be restricted to trade in non-competing products or cover competing products also. Inquiry is also made as to whether such export organizations would be used to restrain trade in the domestic market, and if so, how this could be prevented. Specific information is requested where the person addressed is in a position to furnish any with respect to foreign cartels, syndicates or combinations engaged in export trade or in the business of buyers, jobbers, or retailers, competitive conditions abroad affecting the export market, concessions to foreign syndicates, discrimination in banking or transportation facilities, etc. There is good reason to hope that sound and effective legislation will result from the adoption of expert opinion both theoretical and practical.

Students of corporation law will be interested in the new volume on *Voting Trusts* by H. A. Cushing (New York, The Macmillan Company,



1915, pp. 226) in which the author discusses in successive chapters the significance of voting trusts, their contents, and the modern law regulating them. With respect to the place of the voting trust in modern business life the author holds that while it is subject to such misuse as is inevitable from the personal elements involved in it, it has not ordinarily been a means of undue concentration and has "come to be recognized both by conservative bankers and by investors as a desirable and effective adjunct of modern finance." The chapter on the law of voting trusts illustrates the divergent views of state courts upon what is public policy with regard to them.

The renewed demand that will be made upon Congress to finance the American farmer, after having financed the capitalist by the Federal Reserve Bank Act, gives a timely value to books upon the subject of rural credits. *Land Credits, a plea for the American farmer*, by Hon. D. T. Morgan, Representative in Congress from Oklahoma (New York, T. Y. Crowell Company, 1915, pp. xvi, 299) is an argument in favor of public or semi-public, non-profit sharing, farm-credit institutions, such as are available to the European farmer, as against the private profit-sharing banks proposed in the three bills which received some measure of official sanction by the 63d Congress. Unfortunately the volume is written in a pleonastic style which makes it difficult for the reader to sift out the substance of the argument presented.

There is much valuable political history in the new *History of Currency in the United States* by A. Barton Hepburn (New York, The Macmillan Company, 1915, pp. xv, 552). The work is based upon *The Contest for Sound Money* published by the author in 1903, but in view of the changes of form and the supplementary material it constitutes a new treatise covering the period from the adoption of the Constitution down to the present time. The defects of the old financial system are set forth in contrast with the reforms introduced by the Federal Reserve Act, while a concluding chapter describes the currency systems of the principle commercial nations and explains the emergency measures adopted by European nations to meet the exigencies of the war of 1914.

A monograph on *Reconstruction in Georgia, Economic, Social, Political, 1865-1872*, by C. Mildred Thompson, which appears as No. 1 of volume 64 of the *Columbia Studies in History, Economics and Public*

*Law* is a welcome addition to the excellent monographs already published upon that period under the direction of Professor Dunning. The text deals in turn with the economic readjustment and reorganization in 1865-1866 brought about by the transition from slavery to freedom, with the military and political reconstruction during the years 1867-72, and lastly with the economic progress and social changes embodying the permanent effects of the new era. In conclusion the author points out that "the seven years of Georgia history from 1865-72 mark only the beginning of the social and economic transformation that has taken place since the war," while the political results of Reconstruction proved to be the least important of all in the later history of Georgia. Moreover, reconstruction meant "a wider democratization of society," opening up an opportunity to the middle class and making other kinds of wealth than lands and slaves the basis of social prestige, while at the same time the centre of sectional dominance moved from the cotton-belt to the Piedmont region. The study is characterized by a conscientious attempt to be fair in the handling of a delicate subject, and shows throughout a critical handling of a large body of source material.

*Some Frontiers of To-morrow* by L. W. Lyde (New York, The Macmillan Company, 1915, pp. 120, price \$1.00) is an attempt to discuss, in anticipation of the close of the war, the desirable frontiers in Europe. The author's thesis is that political frontiers should be national, that is, that they should represent the sentiment and consciousness of the people within them, and this is to be judged not so much by race or by language as by common ideals based upon historic associations and economic intercourse; secondly, that where frontiers cannot be national they must be assimilative, that is, in cases where a Power has been unable to assimilate territory conquered in the past, it should not only be forbidden to annex new territory but should be obliged to release its unassimilated populations; thirdly, that frontiers should as far as possible be everywhere anti-defensive, that is, they should be identified with geographic features, such as navigable rivers, which tend to promote peaceful intercourse. The text is illustrated by three maps in which tentative new frontiers are substituted in the west, east and south of Europe for the present boundary line. It is interesting to compare the volume before us with Sir Harry Johnston's *Common Sense in Foreign Policy* which appeared in 1913, though the scope of the latter work is much wider and the political knowledge of the author more profound. It is unfortunate that Mr. Lyde should have been

led to indulge in an abuse of Prussia which casts suspicion upon the scientific value of his statements upon other matters.

A new edition of Mary Putnam-Jacobi's *Common Sense Applied to Woman Suffrage* (New York, G. P. Putnam's Sons, 1915, pp. xiv, 236), prepared in view of the recent Constitutional Convention in New York, makes accessible one of the best volumes in the field of suffragist literature. The edition of 1894 was an enlargement of the author's address before the New York Constitutional Convention of 1894. In an introduction to the present edition by Frances Björkman attention is called to the fact that in 1894 there were less than 3,000,000 women in industry in the United States and only 360,000 in New York State, whereas in 1915 there were 8,000,000 women in industry in the whole country and 800,000 in New York State, so that the body of women who have interests apart from family life is growing greater and greater. It might be added that in the meantime the gradual extension of the police power of the State into the field of social legislation is a recognition that the working classes have interests which need special protection beyond that necessary to the community as a whole.

In a brochure of 132 pages entitled *Belgium and Germany* (Thomas Nelson & Sons, London) is contained a large number of illustrations and photographic reproduction of documents, and other texts from official sources, relating to the invasion of Belgium by the German troops, and of the manner in which war and military occupation has been conducted in that unfortunate country.

*The Cry for Justice* is an anthology of the literature of social protest, edited by Upton Sinclair (Philadelphia, J. C. Winston Company, 1915, pp. 891, price \$2.00). As the title indicates it is a collection of the writings of philosophers, poets, novelists, and social reformers of all ages. Thomas Hood and Jack London, Richard Wagner and Olive Schreiner, Charles Kingsley and Bernard Shaw, Gilbert Chesterton and Bouck White,—men and women whose political, economic and religious ideals differ so widely are called upon to contribute with the Fathers of the early church to the general voice of protest against the suffering and injustice prevalent in the world. Naturally there must be inconsistencies when one selection is balanced against another, the common bond between them being that of protest, irrespective of the fact that the remedy in the mind of the writer may have been in the

one case simple principles of justice and in the other the economic readjustments of socialism. Protest being the common purpose of the selections the editor has seen fit to represent even the "anarchists and the apostles of insurrection" for whose unchained furies the reader must blame not them but himself for having acquiesced in the existence of conditions which have brought these men to such a pass. There is throughout the volume a tendency to associate vice and injustice with wealth and high station, to make poverty the sole excuse for the soddiness of life in the slums, to suggest that oppression will cease when the present oppressor is overthrown, with here and there an exception as in the quotation from Emerson in which that sane thinker tells us that "the sins of our trade belong to no class, to no individual." In view of the lack of any constructive features in the book it is difficult to understand how the editor can conceive of it as "A Bible of the future, a Gospel of the new hope of the race." It is a voice of protest, and protest is not idle if it arouses indignation which may lead ultimately to reform.

Owing to the fact that the science of sociology deals with phenomena which under a specific aspect form the material of political science there are many portions of the work of the sociologist which are of direct interest to the student of political science. *Outlines of Sociology* by F. W. Blackmar and J. L. Gillin (New York, The Macmillan Company, 1915, pp. 586,) appears as one of the "Social Science Test-Books" and covers the field in a detailed and systematic manner. Part II which deals with "Social Evolution" discusses in Chapter VII the "Origin and Development of the State" and in Chapter VIII the "Theory and Function of the State," while Part IV discusses "Ideals of Government" under the general heading of "Social Ideals." Unquestionably it is of value for the political reformer to know the conclusions of the sociologist, but at the same time there is need of caution in distinguishing between the idealistic proposals of sociology (as, for example, those made on p. 429 of the present work) and the hard necessities of political expediency.

*Russian Sociology*, by Julius F. Hecker appears as No. 1 of volume 67 of the Columbia University *Studies in History, Economics and Public Law* and, like the volume just noticed, contains several chapters of value to the political scientist. Chapter I reviews in a useful way the social-political background of Russian sociology, while the theories of

the Slavophiles, Russophiles, and the Westernists, presented in Chapters II and III throw much light upon the foreign policy and domestic politics of the country. Part III takes us into the field of Russian adaptations of Marxist sociology, Kropotkin's anarchical sociology, and the juristic theories of Korkunov. A valuable analytical table summing up the results of the study is presented near the end of the volume.

*The Sociological Implications of Ricardo's Economics*, by C. C. North (University of Chicago Press, pp. 65) is a doctor's dissertation consisting chiefly of an analysis of the text of the *Principles of Political Economy and Taxation*. The conclusion reached by the author is that "the essential error in classical political economy was the assumption that a science of economic activity was possible without an accounting" with the essential correlations of economics with social life as a whole. How far Ricardo was to blame for the sins of the classical school the author considers an open question.

*Citizens in Industry* by Charles Richmond Henderson (New York, D. Appleton and Company, 1915, pp. xix, 342) appears as one of the "Social Betterment Series," edited by Shailer Mathews and having for its general object to present the steady advance that has been made in correcting evils and establishing laws and institutions for the improvement of social conditions. Dr. Henderson's thesis is that efficiency in the employee is the employer's best asset; that better working conditions, better housing and healthier recreations are all conducive to higher efficiency; that profit sharing and "thrift measures" may act as an economic inducement to efficiency but that they do not "touch the deepest demand of the modern workingman; a share in control of the conditions of labor, of wages, of all that affects his life"—a measure of self-government in the shop and democratic control over industry. The particular bearing of the volume upon political science is that it forecasts the transition from philanthropy and welfare schemes to social legislation.

The Bureau of Foreign and Domestic Commerce of the Department of Commerce has issued in its "Special Agents Series," No. 97, a pamphlet presenting the *Commercial laws of England, Scotland, Germany and France* by Archibald J. Wolfe, commercial agent of the Department of Commerce, in collaboration with Edwin M. Borchard, law librarian of the Library of Congress (Washington, Government

Printing Office, 1915, pp. 127, price \$0.15). The object of the volume is to present to the American merchant and exporter and to the American lawyer certain practical matters of foreign commercial law and legal procedure which may be of service in the conduct of commercial affairs. The subjects dealt with are, among others,—the courts which have jurisdiction in cases of commercial litigation, lawyers, costs and fees, attachment, bankruptcy, agencies, bills and notes, contracts, and laws relating to unfair competition and trusts. An appendix contains a glossary of German and French legal terms.

The Library of Congress has issued the third volume in its series of guides to foreign laws begun in 1912. Following the publication of the *Guide to the Law and Legal Literature of Germany* and the *Bibliography of International and Continental Law*, both of which have been a welcome addition to the working library of the political scientist, there now appears a *Guide to the Law and Legal Literature of Spain*, prepared by Thomas W. Palmer, Jr., under the direction of Edwin M. Borchard, law librarian (Washington, Government Printing Office, 1915, pp. 174, price \$0.50). The arrangement of material follows the plan of the volume on German law, chief stress being laid upon the civil and commercial codes. Of particular interest to the student of political science probably will be the sections dealing with jurisprudence and philosophy of law, legal history, administrative law, and labor legislation, the last-named section dealing with recent Spanish legislation on the subject of workmen's insurance and employers' liability and also industrial courts and arbitration commissions. A glossary of legal terms and a careful index complete the volume.

Among recent monographs in the *Studies in History, Economics and Public Law* published by Columbia University are two which deal with early political history in America. *The Review of American Colonial Legislation by the King in Council* by Elmer B. Russell appears as No. 2 of volume 64. After an introductory chapter devoted to a review of colonial legislation prior to 1696, the author discusses the procedure and policy of the British Government in its review of American legislation and traces the results of that review. *The Sovereign Council of New France* by Raymond DuBois Cahall, which appears as No. 1 of volume 65, covers a phase of the early constitutional history of Canada and places before the reader a scholarly account of the organization,

procedure, functions and achievements of the Council, a body which exercised judicial, administrative, and legislative functions.

In the University of Illinois studies (volume 3, No. 4 and volume 4, No. 1) are two further monographs of interest to students of political history. *Church and State in Massachusetts, 1691-1740*, by Susan M. Reed, treats of the attempts of the Massachusetts hierarchy in 1691 to carry over into the newly created royal provincial government the theocratic ideas which had controlled the colony in its earlier days, and of the ensuing conflict between the hierarchy and the Episcopalians and other dissenters. *The Illinois Whigs before 1846*, by Charles M. Thompson, discusses the Whig party in Illinois in its national and local aspects from its origin in 1834.<sup>1</sup>

It might be possible, by means of a referendum, to determine whether France or Germany is nearer to the hearts of the inhabitants of Alsace-Lorraine. In default of some such test, the old controversy will continue to occupy the rival historians. Under the title *Les Affinités françaises de L'Alsace avant Louis XIV* (Paris, Recueil Sirey, 1915, pp. 158), Prof. Jacques Flach of the Collège de France has amplified his essay in the *Revue des Deux Mondes* into a small volume dealing with the historic relations between France and the much-disputed territories from the 9th to the 17th century, and emphasizing the sentimental relationship. The points of resemblance between the two civilizations are stressed,—the Gallic influence as seen in the character of the people, in the poetry of Gotfried of Strassburg, in the architecture of the Strassburg cathedral, in the controversy between Wimpfeling and the Franciscan monk, Thomas Murner, over French ascendancy at the beginning of the 14th century, the influx from France during the latter part of the 16th century, and many particular instances revealing a mutual understanding and sympathy. But after all is said, we come back to the point of greatest present interest, the will of the inhabitants themselves. Renan long ago pointed out that the true basis for a nation, before language or race, is the consent of the people.<sup>2</sup>

In his study of *La Caste Dominante Allemande* (Paris, Recueil Sirey, 1915, pp. xi, 145) Prof. Maurice Millioud of the University of Lausanne defines Pan-Germanism as a caste doctrine supported by a patriotic

<sup>1</sup> Contributed by J. M. Leake.

<sup>2</sup> Contributed by F. W. Garrison.

interpretation of history, biology, ethnology and moral philosophy. The southern states surrendered their liberalism in a compromise with Bismarck over national unity. The rapid growth of industry called for an astute balancing of forces. Militarism, the support of the aristocracy, was made to serve capitalist ambitions; even the Socialists became a national party, fighting the capitalists at home, but joining them to check foreign competition. Warlike feelings were encouraged to distract attention from rising prices, and the popular acceptance of Pan-Germanism became a fact fraught with tremendous consequences.

The growth of the military organism in the congenial atmosphere of an inflated nationalism was followed by the inevitable dream of world conquest. It is more difficult to explain why commercial Germany was willing to hazard the shipwreck of her wonderfully successful economic expansion. A reason appears when we study that manifestation of national selfishness which we call commercial warfare. Germany's desire for colonies was stimulated by a hunger for new markets and the need of obtaining raw materials unhampered by hostile tariffs. Her foreign trade had been built up by using surplus products to undersell competitors abroad, and by the acceptance of unprecedentedly long credits, while equilibrium was maintained at home by means of tariffs, rebates, bounties, etc. It is idle to hope that natural economic laws can be circumvented indefinitely, and we are led to ask if the threatened collapse of an artificial financial structure made war necessary to forestall a colossal failure.<sup>3</sup>

In discussing *Le Droit de la Force et la Force du Droit* (Paris, Recueil Sirey, 1915, pp. 76), Prof. Jacques Flach of the Collège de France declares that humanity must choose between the reign of selfish and brutal force, based on pride of race, and the reign of justice, founded on the love of God and the love of man. Under the first régime the world must be made to bow to the will of the strongest race, while under the second every people would be left free to develop its national life and conscience. It is perhaps only natural that M. Flach should find the two ideals satisfactorily personified by Germany and France respectively. It is the purpose of his essay to show how German leaders of thought have found historical and philosophical justification for the worship of force, returning to the Sophist definition of justice as that which is of advantage to the strongest. With the awakening of nationality towards the end of the eighteenth century arose a con-

<sup>3</sup> Contributed by F. W. Garrison.



ception of the German soul as a realization of divinity, an instrument of omnipotence, and the era of Prussification introduced historic fatalism, Darwinism applied to nations, the idea that might creates right, the end justifies the means. Then followed the scientific, cultural phase demanding the spread of German civilization, and finally the dream of a world-wide economic domain to be won by applying the theory that "economic and military forces advance side by side." We have had abundant proof that the passions engendered by war cloud the vision even of scholars and philosophers. Patriotism does not pull evenly when harnessed with a more universal emotion. In order to justify France it is necessary to sanction the use of force in a just cause, a conclusion damaging to the conception of right as a veritable power, however satisfactory it may seem to the popular mind.<sup>4</sup>

It is a fair comment upon our study of constitutional law that we are too apt to accept the decisions of the Supreme Court of the United States as practical issues and to neglect the theory of law according to which they are decided. Moreover, we lose sight of the individuality of the justices of the court and merge them all into a common unit. For this reason students will welcome a recent issue of the Johns Hopkins *Studies in Historical and Political Science* under the title of *The Constitutional Doctrines of Justice Harlan*, by Floyd B. Clark, Ph.D. After a brief introduction sketching the career of Justice Harlan the author discusses in turn some of the difficult questions of constitutional law upon which Justice Harlan held independent views. On the question of the suability of States the author finds in the opinions of Justice Harlan a consistent doctrine that suits against state officers are not to be construed as suits against the State where there is question of a definite act on the part of the state officer, but that they are to be so construed where the general provisions of a statute are at issue, as in the case of *Ex parte Young*. In like manner upon the question of the impairment of the obligation of contracts the author is able to trace a consistent attitude on the part of Justice Harlan in favor of the sacredness of valid contract rights. In cases involving due process of law under the fourteenth amendment Justice Harlan differed from the majority of the court in holding out against the alteration of the traditional jury system and in believing that public office should be considered as a property right. In general the author finds that the criticism that Justice Harlan emphasized too greatly the letter of the law is unfair,

<sup>4</sup> Contributed by F. W. Garrison.

and that his attitude was rather to throw back upon the legislative body the duty of making laws read as they were meant to be applied. While it is sometimes difficult to follow the reasoning of the author in his attempts to find consistency in the doctrines of Justice Harlan, as, for instance, in his reconciliation of the Justice's dissenting opinion in the *Knight* case with the dissenting opinion in the *Standard Oil* case where the Justice abandons his earlier defense of the rule of reason in the interpretation of the Sherman Act, and again in his justification of the decision in *Ex parte Young*, and while we may be inclined to think that the attitude of Justice Harlan was at times rather belligerent than judicial, yet on the other hand one turns from the volume with the feeling of a more intimate acquaintance with the personality of the supreme court and with a greater sense of respect for the sincerity and legal detachment dominating the members holding that high office.

Students of international law will welcome the edition of *The Hague Conventions and Declarations of 1899 and 1907* published by the Oxford University Press (New York, 1915, pp. xxx, 303) for the Carnegie Endowment for International Peace. While there are already in the field a number of editions of those documents, notably the edition by A. Pearce Higgins (Cambridge, University Press, 1909) with its admirable commentary, there is still room for an authoritative edition at a reasonable price. The French text of the original documents bears the authentication of the Minister of Foreign Affairs at The Hague, while the English translation reproduces the official translation of the Department of State of the United States. The respective conventions are followed by tables of signatures, ratifications, adhesions and reservations, all of which have been verified from the official records. In addition to giving us the latest and most complete record of the action taken by the States in the adoption of the Hague conventions, the present edition goes beyond other editions in giving us the complete texts of the reservations made during the course of the proceedings of the Conferences and hitherto to be found only in the pages of the official *Actes et Documents*. The value of the book is likewise considerably increased by the addition of an index of persons, as well as an index-digest which will make reference to the conventions a far easier task for the layman than it has hitherto been.

*Problems of Readjustment after the War* (New York: D. Appleton and Company, 1915, pp. 186) is a collection of separate articles by writers who are specialists in their particular subjects. Albert B. Hart con-

tributes a discussion on "The War and Democracy" in which he shows the extent to which popular control of the government in democratic countries has given way under stress of the war to administrative absolutism. Franklin H. Giddings writes on "The Crisis in Social Evolution" and his explanation of the struggle between different civilizations that is going on is accompanied by many suggestive observations, as, for example, whether after the war the democratic governments, while holding to their ideals of personal liberty, might not use to advantage the administrative organs which have so effectively coördinated the economic and military forces of Germany and Austria. The results would be a system "having the energetic, responsible, inventive individual as its force-generating unit, but creating organization and strengthening central control as the need arises." But perhaps the most valuable contribution to the volume is the chapter by W. W. Willoughby on "The Relation of the Individual to the State" in which the war is exhibited as a contest between divergent conceptions of the nature of the state, of its purposes, and of the relation between the state and its subjects. This relation of the individual to the state is viewed in three aspects: first, as connoting the extent to which the welfare of the citizen is bound up with that of the state, and here the author shows the transition from the proprietary conception of sovereignty prevailing in the eighteenth century to the modern conception of the responsibility of the ruler to the state; secondly, as expressing the extent to which the individual controls the form of government of the state, and here we are given an excellent statement of the meaning of constitutional guarantees of private rights and of the evils inherent in a non-popular form of government—"beneath its surface prosperity, German national life contains potentialities of evil which need only time and opportunity to be manifested;" and thirdly, as defining the sphere of governmental action, and here the author suggests one of the lessons of the war will be a recognition of the value of an efficient administrative system and in consequence a probable increase in the control entrusted to it. Other chapters in the volume are "An Economic Interpretation of the War" by E. R. A. Seligman, "The War and International Law," by George G. Wilson, "The War and International Commerce and Finance," by Emory R. Johnson, and "The Conduct of Military and Naval Warfare," by Rear-Admiral C. F. Goodrich.

A new value attaches to the 1914 issue of the *Canadian Annual Review*, edited by Mr. J. Castell Hopkins, and published by the Annual Review Company of Toronto. Long ago the *Review* attained a position

of permanent usefulness. In the fourteen years which have elapsed since it was first published, it has become an indispensable handbook of Canadian public affairs—provincial as well as dominion—easily ranking among British publications of this class with the long-established *Annual Register*. All the older features which give the *Canadian Annual* this position re-appear in the 1914 issue; and the new value which attaches to this issue arises from the thoroughness and comprehensiveness of the history of the part that Canada is taking in the war, and of the effect of the war on political, economic, and social conditions in the Dominion. This history extends from the third of August to the end of 1914. It is written on a generous scale, with ample quotations from speeches and documents; and covers every phase of war activity in Canada from Cape Breton Island to Vancouver and Victoria. In addition to this record of Canada's part in the war—which extends to about 150 pages—there is a detailed history of the part that Newfoundland, Australia, New Zealand and South Africa had taken up to the end of the year; so that from the pages of the *Canadian Annual Review* for 1914, it is possible to follow the actions of all the oversea dominions of Great Britain in the first five months of the war.

The great war now in progress has greatly stimulated the study of the political geography of Europe. Especially welcome, therefore, is the appearance from the Oxford University Press of *An Historical Atlas of Modern Europe from 1789 to 1914*, by C. Grant Robertson and J. G. Bartholomew, which for a price slightly more than a dollar provides a cloth bound series of most excellent charts, thirty-six in number, not overburdened with unimportant names, and of sufficient size— $12\frac{1}{2} \times 9$  inches—to make easily evident the present boundaries of Europe and the historical steps by which these boundaries have been established. In addition there are maps showing orographical, ethnological, and industrial and economic conditions, together with an introductory text giving briefly the significance of the maps which follow. Overstepping the limitations of the title there are also maps of Russia in Asia, Persia, Africa, the Far East, and a world map showing colonial possessions. The press work is excellent.

Prof. James F. Colby has performed a distinct service to students of political and legal science by reprinting in a moderate sized volume, under the title *A Sketch of English Legal History*, by F. W. Maitland and F. C. Montague (New York: G. P. Putnam's Sons, 1915, pp. 229)

the admirable articles contributed by these authors to *Social England* edited by H. D. Traill, and published in 1899. In their ensemble, these articles, supplemented as they are by occasional extracts from other sources, furnish us with a brief history which concerns not only the development of the law but of the judicial institutions of England, in this latter respect being more comprehensive than the *Short History of English Law* by Edward Jenks. To each of the chapters are appended lists of recommended readings upon the topics treated; and in several appendices matter is furnished showing the variety of forms which the English law has assumed at different times. The editor, it is believed, is justified in his statement that "this series of articles now furnishes the best available introduction to English legal history."

Prof. S. P. Orth has compiled a valuable volume of *Readings on the Relation of Government to Property and Industry* (Boston: Ginn and Company, 1915, pp. 664). This is a field where legal, political, and economic principles meet, and, unfortunately, with not a little confusion arising. The courts have sought with varying degrees of earnestness to make the law conform to new conditions, without sacrificing established constitutional principles; the legislatures have sought to establish by statute new principles governing industrial and commercial relations, and to enforce these principles through new agencies; the economists have been readjusting their theories, and the practical precepts which they declare as necessary in order to secure greater industrial efficiency and a nearer approximation to a realization of distributive justice. The entire movement is thus one of great interest as well as complexity, and we cannot therefore but welcome a volume which, like the one prepared by Professor Orth, will be of assistance to the teacher and the student alike, in arriving at a just estimate of the present phases and status of the general problem of the relation of government to property and industry. The selection of material has been made with excellent judgment.

Among the many books which have appeared dealing with the questions of international law and morality involved in the invasion of Belgium by the German armies, none is more satisfactory than *Belgium Neutral and Loyal*, by Emile Maxweiler, Director of the Solmay Institute of Sociology at Brussels (New York: G. P. Purnam's Sons, 1915, pp. 324). The work has been published in French and German, and, we are informed, the reading of it was recommended by *Vorwärts* to all Ger-

man socialists. The work examines carefully and scientifically all the various charges which have from time to time been made of unneutral acts upon the part of Belgium, and shows, to the point of absolute demonstration, the unsubstantial basis for them. Upon the other hand he makes evident and emphasizes the fact, which deserves emphasis, that Germany, in her attempts to keep England out of the war, attempted to bargain away Belgium's liberty while as yet she had made no charge that Belgium had in any way been unfriendly to the Fatherland or acted in a manner inconsistent with her continued neutrality. Furthermore, the author naturally does not fail to comment upon the fact that, although herself asking that Belgium should not offer resistance to invasion of her soil, Germany officially praised Switzerland for announcing that she intended to oppose by force any attempt to violate her territory. "The Imperial Government," it was said, "has taken cognizance of this declaration with sincere satisfaction and is convinced that the Confederation with the support of its strong army and the indomitable will of the entire Swiss people, will repel every attempt to violate its neutrality."

#### THE TWELFTH ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION

The twelfth annual meeting of the American Political Association was held at Washington, D. C., Monday, December 27 to Friday, December 31, inclusive.

On Monday evening the attending members of the Association were the guests of the management of the Second Pan American Scientific Congress at a reception in the Pan American Building given to the delegates of the Congress and to the various learned societies in session in Washington.

On Tuesday afternoon a joint meeting was held with the American Historical Association, the American Economic Association, the American Society of International Law and Sections 6 and 9 of the Second Pan American Scientific Congress for the discussion of the preservation of the national archives. In the evening a joint meeting was held with the American Association for Labor Legislation at which the presidential address of Prof. Ernst Freund of the American Political Science Association and Prof. Henry R. Seager of the American Association for Labor Legislation were presented.

On Wednesday, December 29, the morning session was devoted to a